



City of Nashua  
Planning Department  
229 Main Street  
Nashua, New Hampshire 03061-2019

Planning & Zoning 589-3090  
WEB www.nashuanh.gov

**VARIANCE APPLICATION (ZBA)**

**PLEASE NOTE: INCOMPLETE OR ILLEGIBLE APPLICATIONS WILL NOT BE ACCEPTED**

**I. VARIANCE INFORMATION**

1. ADDRESS OF REQUEST 21 Fairmont ST

Zoning District RB Sheet 62 Lot 1162

2. VARIANCE(S) REQUESTED:

Deck after the fact in rear yard setback

**II. GENERAL INFORMATION**

1. **APPLICANT / OPTIONEE** (List both individual name and corporate name if applicable)

(Print Name): John Castreau Cornerstone Services LLC

Applicant's signature [Signature] Date 2-18-22

Applicant's address 44 Cross ST Salem NH 03079

Telephone number H: 603-898-1911 C: 978-431-105 E-mail: John@cornerstoneservicesllc.com

2. **PROPERTY OWNER (Print Name):** Seth Matthews

\*Owner's signature [Signature] Date 2/17/22

Owner's address 21 Fairmont ST

Telephone number H: 603-400-953 E-mail: S.matthews@swbu.edu

\*Agents and/or option holders must supply written authorization to submit on behalf of owner(s).

**OFFICE USE ONLY** Date Received 2/18/22 Date of hearing 3/22/22 Application checked for completeness: CF

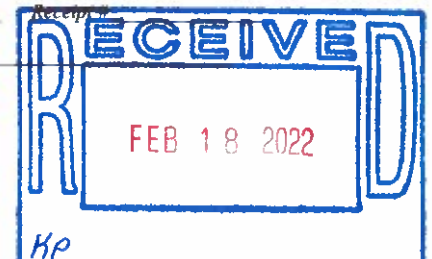
A# 22-0035 Board Action \_\_\_\_\_

\$ \_\_\_\_\_ application fee ☐ Date Paid \_\_\_\_\_ Receipt # \_\_\_\_\_

\$ \_\_\_\_\_ signage fee ☐ Date Paid \_\_\_\_\_ Receipt # \_\_\_\_\_

\$ \_\_\_\_\_ certified mailing fee ☐ Date Paid \_\_\_\_\_ Receipt # \_\_\_\_\_

Land Use Code Section(s) Requesting Variances From: 190-16 (E)(2)(a)(9)



## III. PURPOSE OF REQUEST

Answer all questions below. Provide as much information as available to give the ZBA the necessary facts to review your case. Attach additional sheets if necessary. See "Procedures for Filing a Variance" for further information.

1. **Granting of the requested variance will not be contrary to the public interest, because:** (The proposed use must not conflict with the explicit or implicit purpose of the ordinance, and it must not alter the essential character of the neighborhood, threaten public health, safety, or welfare, or otherwise injure "public rights.")

• It will increase the tax base of Nashua

• The project will meet or exceed other site design criteria, i.e., open space, and street yard set backs

2. **The proposed use will observe the spirit of the ordinance, because:** (The proposed use must not conflict with the explicit or implicit purpose of the ordinance and must not alter the essential character of the neighborhood, threaten public health, safety, or welfare, or otherwise injure "public rights.")

• The structure is over 20' from the nearest abutting structures

• A vertical separation of the deck + the closest building creates a visual + acoustic buffer

• The deck design maintains tree cover on the property

3. **Substantial justice would be done to the property-owner by granting the variance, because:** (The benefits to the applicant must not be outweighed by harm to the general public or to other individuals.)

• It allows the homeowner to have usable space in their backyard

• The deck structure replaces an old stockade fence that formerly demarked separation of the two properties

4. **The proposed use will not diminish the values of surrounding properties, because:** (The Board will consider expert testimony but also may consider other evidence of the effect on property values, including personal knowledge of the members themselves.)

• A vertical separation of the deck + the closest building creates a visual + acoustic buffer

• Fencing on the deck fortifies this visual and acoustic barrier

• Stability of the slope will be aided by construction of the deck because it will eliminate any foot traffic on the slope

# VARIANCE APPLICATION

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5. **Special conditions exist such that literal enforcement of the ordinance results in unnecessary hardship,** because: (The applicant must establish that because of the special conditions of the property in question, the restriction applied to the property by the ordinance does not serve the purpose of the restriction in a "fair and reasonable" way. Also, you must establish that the special conditions of the property cause the proposed use to be reasonable. The use must not alter the essential character of the neighborhood. Alternatively, you can establish that, because of the special conditions of the property, there is no reasonable use that can be made of the property that would be permitted under the ordinance. If there is any reasonable use (including an existing use) that is permitted under the ordinance, this alternative is not available.

- Location of Existing ~~deck~~ home + steep topography rendered the backyard unusable. The construction of the Deck provides private outdoor space for the homeowner
- The separation between the existing home + the property line would ~~severely~~ preclude the construction of the Deck in this area.

## IV. USE VARIANCE ADDITIONAL INFORMATION

Please answer all questions below that are applicable. Your answers to these questions will allow staff to better understand your request.

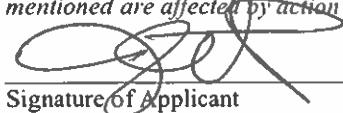
- Total number of employees N/A Number of employees per shift N/A
- Hours and days of operation N/A
- Number of daily and weekly visits to the premises by customers, clients, vendors and solicitors N/A
- Number of daily and weekly commercial deliveries to the premises N/A
- Number of parking spaces available N/A
- Describe your general business operations:

N/A RESIDENCE

- Describe any proposed site renovations, including, but not limited to – landscaping, lighting, pavement, structural changes, signage, access and circulation:

N/A

I hereby acknowledge that I have read this application and state that the above is correct and agree to comply with all the city ordinances and state laws regulating construction. I understand that only those points specifically mentioned are affected by action taken on this appeal.



Signature of Applicant

John Crestan

Print Name

2-18-22

Date

2-18-22

Date

The staff report for a Use Variance request will be available no later than Friday of the week before the ZBA meeting. If you would like a copy, please indicate below:

- ☐ I will pick it up at City Hall
- ☒ Please email it to me at John@cornerstoneelectrical.com
- ☐ Please mail it to me at \_\_\_\_\_

# **ARGUMENTS RELATIVE TO VARIANCE REQUEST FOR RESIDENTIAL DEVELOPMENT ON LAND OWNED BY SETH & BRENDA MATTHEWS**

## **MAP 62 LOT 162, 21 FAIRMOUNT STREET**

On behalf of Seth & Brenda Matthews, we present the following arguments in support of a request for a variance from Article 3, Section 190-16 (E) and Table 16-3 (Dimensional Matrix) to allow an unenclosed deck within 5' of the rear property line, where 20' is required in the R-B District.

These arguments correspond to the criteria found on completed variance application forms.

**1. Granting of the requested variance will not be contrary to the public interest because:**

- It will increase the tax base of Nashua;
- The project will meet or exceed other site design criteria, i.e., open space, and side yard setbacks;

**2. The proposed use will observe the spirit of the Ordinance because:**

- The structure is over 20' from the nearest abutting structure;
- A vertical separation of the deck and the closest building creates a visual and acoustic buffer;
- The deck design maintains tree cover on the property.

**3. Substantial justice would be done to the property owner by granting the variance because:**

- It allows the homeowner to have useable space in their backyard;
- The deck structure replaces an old stockade fence that formerly demarked separation of the two properties.

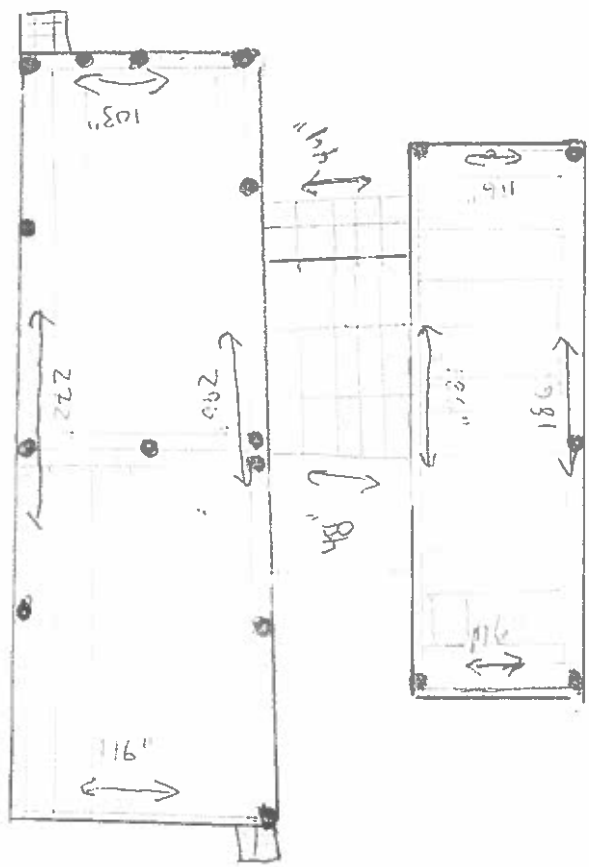
**4. The proposed use will not diminish the values of surrounding properties because:**

- A vertical separation of the deck and the closest building creates a visual and acoustic buffer;
- Fencing on the deck fortifies this visual and acoustic barrier;
- Stability of the slope will be aided by construction of the deck because it will eliminate any foot traffic on that slope.

**5. Special conditions exist such that literal enforcement of the ordinance results in unnecessary hardship because:**

- Location of the existing home and steep topography rendered the backyard unusable. The construction of the deck provides private outdoor space for the homeowner;
- The separation between the existing home and the property line would otherwise preclude the construction of a deck in this area.

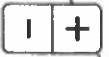
15' 5"  
 15'-6"  
 9'-8"



-71.473969, 42.764908

16.96 62-250

16.0



48.58

62-236

150-150

54.0

62-162

69.0

69.0

69.00

14.98

175.79

20 ft 93.36

21 1/2  
62-190

92.5

APPROXIMATE  
DECK

4 ft

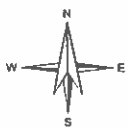
FAIRMOUNT STREET

MAP FROM NASHUA GIS



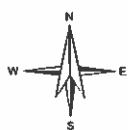


**21 Fairmount St**



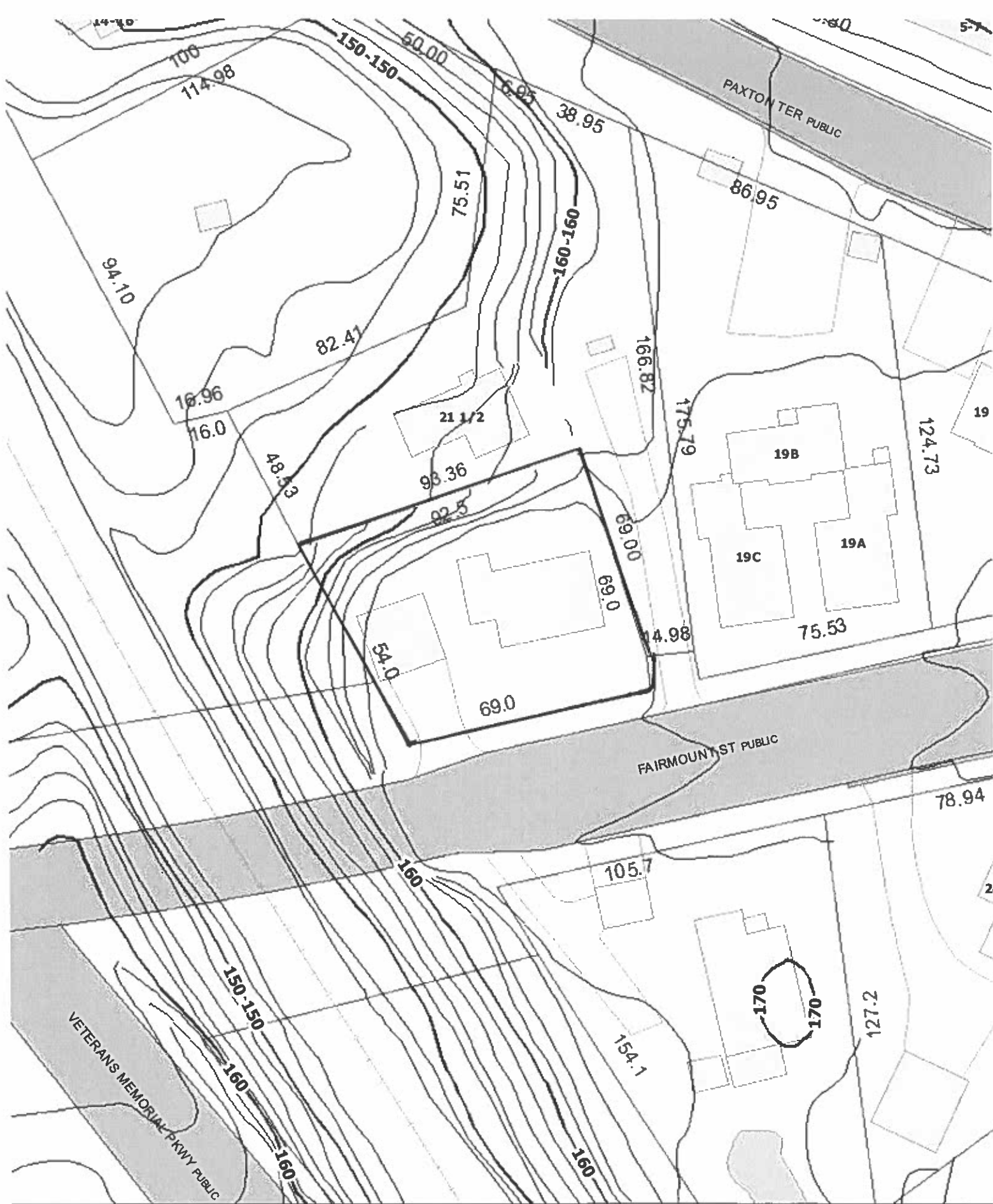


## 21 Fairmount St



0 37.5 75 150 Feet





## 21 Fairmount St - Contour lines



0 37.5 75 150 Feet





